
AUTHORISATION	DRAFT
REVIEW	DRAFT

Part 1

POLICY OPERATION

Policy Development

This Policy has been prepared under the provisions of Division 2 of Part 2 of the deemed provisions of the City of Wanneroo District Planning Scheme No. 2 (DPS 2).

Purpose and Application

The purpose of this Policy is to:

1. Clarify the role and responsibility of the City in its dealings with applications for liquor stores and taverns;
2. Provide a framework for the assessment of development applications for liquor stores and taverns; and
3. Set out a process for Council to follow when considering requests from the community to intervene or object to a liquor licence under the *Liquor Control Act 1988*.

Council will have regard to this Policy when assessing applications made to Council for development approval for a liquor store or tavern; and when considering a request from the community to intervene or lodge an objection to a liquor licence in accordance with the *Liquor Control Act 1988*.

Relationship to Legislation and Other Policies

This Policy should be read in conjunction with the relevant provisions of the City's District Planning Scheme No. 2 (DPS 2) and the *Liquor Control Act 1988 (WA)*.

This Policy should also be read in conjunction with the following City of Wanneroo policies:

- Local Planning Policy 3.2: Activity Centres; and
- Local Planning Policy 4.6: Signs.

Objectives

The objective of this Policy is to minimise the impact of liquor stores and taverns on the amenity of the locality.

Part 2

POLICY PROVISIONS

1. Scope of considerations in planning assessments and considerations for liquor licences

1.1 The table below identifies valid considerations in the determination of a development application and matters of relevance in the consideration of a liquor licence.

	APPROVAL BY CITY OF WANNEROO	APPROVAL BY DEPARTMENT OF RACING, GAMING AND LIQUOR
RELEVANT CONSIDERATIONS*	DEVELOPMENT APPLICATIONS	POTENTIAL BASIS FOR OBJECTING/INTERVENING TO LIQUOR LICENCE
Size of premises	✓	✓
Location (proximity to – schools, places of public worship)	✓	✓
Number and density of licensed premises	X	✓
Anti-social behaviour	X	✓
Liquor harm – Relating to the social issues of increased liquor consumption and availability	X	✓
Signage	✓	✓
Building design	✓	✓
Car parking	✓	X
Noise	✓	✓

Traffic	✓	✓
Hours of trade	✓	✓
Public Interest Assessment	X	✓

* This is not an exhaustive list of considerations for a development application for a liquor store or tavern, or for a liquor licence. Refer to clause 67 of the deemed provisions of District Planning Scheme No. 2 for the full list of relevant planning considerations and the relevant sections of the *Liquor Control Act 1988* for the grounds for an intervention or objection.

2. Planning information requirements

2.1 A Public Interest Assessment (PIA) that satisfies the requirements of the *Liquor Control Act 1988* will be required to accompany all development applications lodged with the City that propose a new liquor store or tavern.

3. Advertising of development applications for liquor stores and taverns

3.1 In addition to the advertising requirements set out in DPS 2, for the duration of the advertising period of a development application for a liquor store or tavern, the City will make available to the community a copy of the PIA that is provided to the City under clause 2.1 of this Policy.

4. Assessment criteria for development applications for liquor stores and taverns

4.1 In addition to the zoning requirements set out in DPS 2, the City will not support a planning application for a 'liquor store – large' that is proposed to be located in a centre designated as neighbourhood or local.

4.2 In addition to the planning matters to be considered by Council listed under clause 67 of the deemed provisions of DPS 2 the City will not support a planning application for a liquor store or tavern within a 200m radius of an existing or proposed¹ educational establishment, child care centre or public place of worship where the following circumstances exist:

- a) The frontage and/or primary access point of the proposed tavern or liquor store forms the predominant view from the existing or proposed educational establishment, child care centre or public place of worship; and
- b) Signage and advertising materials for the proposed tavern or liquor store forms the predominant view from the existing or proposed educational establishment, child care centre or public place of worship.

¹ Includes proposals for educational establishments, child care centres or public places of worship where location has been adopted under structure plan or where a current development approval for the use has been issued by the City.

5. Conditions of Approval

- 5.1 A Section 40 Certificate issued by the City will include conditions of the relevant development approval relating to operating hours or number of patrons. The City will request the Licensing Authority condition the liquor licence in the same manner.

6. Liquor Licensing Process

Interventions

- 6.1 In accordance with section 69(7) of the *Liquor Control Act 1988*, Council may make a submission to the Licensing Authority to intervene in liquor licensing proceedings for the purpose of introducing evidence or making representations on one of the following:
- 6.1.1 As to whether the premises are not suitable to be, or to continue to be, licensed or the subject of a permit; or
 - 6.1.2 As to whether a proposed alteration to, or redefinition of, licensed premises should be approved; or
 - 6.1.3 That if a particular application were granted, persons who reside, work or worship in the vicinity would be likely to suffer undue offence, annoyance, disturbance or inconvenience.

Objections

- 6.2 In accordance with section 73(1) of the *Liquor Control Act 1988*, Council may lodge a formal objection to the Licensing Authority to the issuing of a liquor licence for a proposed tavern or liquor store where it has determined one of the following:
- 6.2.1 That the grant of the application would not be in the public interest; or
 - 6.2.2 That the grant of the application would cause undue harm or ill-health to people, or any group of people, due to the use of liquor; or
 - 6.2.3 That if the application were granted —
 - i. undue offence, annoyance, disturbance or inconvenience to persons who reside or work in the vicinity, or to persons in or travelling to or from an existing or proposed place of public worship, hospital or school, would be likely to occur; or
 - ii. the amenity, quiet or good order of the locality in which the premises or proposed premises are, or are to be, situated would in some other manner be lessened; or
 - 6.2.4 That the grant of the application would otherwise be contrary to the Liquor Control Act 1988.

Definitions

For the purposes of this Policy, the terms listed below have the following meanings:

Educational establishment: means kindergartens, primary schools and high schools.

Liquor store – large: means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300m².

Predominant view: means the most visible element, having regard to the size, scale and compatibility of neighbouring buildings.

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